vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.537 OF 2004
IN
SUIT NO.3722 OF 1996

Makson Auto Hirers ... Plaintiff

V/s.

International Airport
Authority of India ... Defendant

None for Plaintiff
Ms.Lopa Munim i/b M/s.Rajesh Kothari & co. for Defendant

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JUNE 6, 2006**

P.C.:

. The present Motion has been taken out for an order to dismiss the Suit. According to the Defendant, all the disputes and differences between the parties were referred to arbitration. The arbitration proceedings have culminated in an award dated 25.2.2002. Therefore, according to the defendant, nothing survives in the present Suit since there is no cause of action.

2. Nobody appears for the Plaintiff. There is no dispute that an Arbitrator was appointed and the Arbitration Petition No.230 of 1998 has resulted into an award dated 25.2.2002. In fact, the plaintiff had taken out Chamber Summons No.359 of 2004 in the present Suit for amending the plaint by claiming damages against the defendant. This Chamber Summons was dismissed on 12.12.2005. The order has not been challenged by the

plaintiff.

3. In my view, the cause of action in the present suit does not survive as the dispute has resulted in the arbitration award dated 25.2.2002. Hence, the Motion is allowed in terms of prayer clause (a). Suit is dismissed.